

AMENDED IN SENATE APRIL 28, 2004

AMENDED IN SENATE APRIL 13, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1380

Introduced by Senator Escutia

February 18, 2004

An act to amend Section 60242 of, and to add Section 60200.1 to, the Education Code, relating to instruction, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Escutia. Instructional materials.

Existing law requires the State Board of Education to adopt at least 5 separate basic instructional materials, as defined, for use in kindergarten and each of grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable. Existing law requires the state board to ensure that basic instructional materials meet certain specified criteria.

Existing law establishes the State Instructional Materials Fund and continuously appropriates the money in the fund to the State Department of Education. A school district is authorized to use allowances received from the fund to purchase instructional materials adopted by the state board, to purchase instructional materials from any source, to purchase tests, to bind basic textbooks, to fund in-service training related to instructional materials, and to purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.

This bill would require the state board to annually solicit recommendations from school districts regarding the adoption of instructional materials. The bill would require the state board to adopt instructional materials recommended by a school district, charter school, or county office of education, unless the state board, *within 90 calendar days*, makes written factual findings that the instructional materials lack certain specified criteria. The bill would also authorize a school district to use allowances received from the fund to purchase instructional materials adopted by the state board after recommendation by a school district. By expanding the purposes for which moneys from the fund may be used, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60200.1 is added to the Education Code,
2 to read:

3 60200.1. (a) Commencing on January 1, 2006, the state
4 board shall annually solicit recommendations from school districts
5 regarding the adoption of instructional materials in those
6 categories enumerated by subdivision (a) of Section 60200 and in
7 English language development.

8 (b) Instructional materials recommended by a school district
9 shall be adopted, unless the state board, *within 90 calendar days*,
10 makes written factual findings specific to the particular
11 instructional materials, setting forth specific facts regarding the
12 absence of any of the following:

13 (1) Alignment of the instructional materials to standards
14 adopted by the state board for the category and grade level in which
15 the instructional materials are to be used.

16 (2) A basis of scientific evidence supporting the content and
17 approach of the instructional materials. That evidence may include
18 research studies conducted by the publisher that have been
19 independently reviewed, evidence from federal clearinghouses, or
20 refereed academic journals.

21 (3) A narrative of the evaluation or piloting process, or both, of
22 the school district, that led to the recommendation of the
23 instructional materials, and an explanation for the



1 recommendation of the school district that the instructional
2 materials are desirable and appropriate for use.

3 (4) A resolution of the governing board of the school district,
4 adopted in a public hearing, that approves of the use of the
5 instructional materials.

6 (5) Documentation from the publisher or manufacturer of the
7 instructional materials of compliance with the state board's
8 guidelines for social content.

9 (c) *This section does not exempt a publisher or manufacturer*
10 *of instructional materials from the requirements or provisions of*
11 *this part.*

12 (d) (1) For purposes of this section, "school district" includes
13 a school district, charter school, and county office of education.

14 (2) For purposes of this section, "instructional materials"
15 includes textbooks, instructional technology, supplementary
16 materials, or a grouping of two or more of these types of
17 instructional materials from one or more source or publisher.

18 SEC. 2. Section 60242 of the Education Code is amended to
19 read:

20 60242. (a) The state board shall encumber the fund for the
21 purpose of establishing an allowance for each school district,
22 which may reflect increases or decreases in enrollment, that the
23 district may use for the following purposes:

24 (1) To purchase instructional materials adopted by the state
25 board pursuant to Section 60200 or 60200.1 for kindergarten and
26 grades 1 to 8, inclusive, or by the governing board pursuant to
27 Section 60400 for grades 9 to 12, inclusive. A school district may
28 purchase with funds received pursuant to Chapter 3.25
29 (commencing with Section 60420) instructional materials for the
30 visual and performing arts, foreign language, health, or any other
31 curricular area if those materials are adopted by the state board
32 pursuant to Section 60200 or 60200.1 for kindergarten and grades
33 1 to 8, inclusive, or by the governing board pursuant to Section
34 60400 for grades 9 to 12, inclusive, and if the school district
35 certifies that it has provided each pupil with a standards-aligned
36 textbook or basic instructional materials in reading/language arts,
37 mathematics, history/social science, and science.

38 (2) To purchase, at the district's discretion, instructional
39 materials, including, but not limited to, supplementary

1 instructional materials and technology-based materials, from any
2 source.

3 (3) To purchase tests.

4 (4) To bind basic textbooks that are otherwise usable and are on
5 the most recent list of basic instructional materials adopted by the
6 state board and made available pursuant to Section 60200 or
7 60200.1.

8 (5) To fund in-service training related to instructional
9 materials.

10 (6) To purchase classroom library materials for kindergarten
11 and grades 1 to 4, inclusive.

12 (b) The state board shall specify the percentage of a district's
13 allowance that is authorized to be used for each of the purposes
14 identified in subdivision (a).

15 (c) Allowances established for school districts pursuant to this
16 section shall be apportioned in September of each fiscal year.

17 (d) (1) A school district that purchases classroom library
18 materials, shall, as a condition of receiving funding pursuant to this
19 article, develop a districtwide classroom library plan for
20 kindergarten and grades 1 to 4, inclusive, and shall receive
21 certification of the plan from the governing board of the school
22 district. A school district shall include in the plan a means of
23 preventing loss, damage, or destruction of the materials.

24 (2) In developing the plan required by paragraph (1), a school
25 district is encouraged to consult with school library media teachers
26 and primary grade teachers and to consider selections included in
27 the list of recommended books established pursuant to Section
28 19336. If a school library media teacher is not employed by the
29 school district, the district is encouraged to consult with a school
30 library media teacher employed by the local county office of
31 education in developing the plan.

32 (3) To the extent that a school district or county office of
33 education already has a plan meeting the criteria specified in
34 paragraphs (1) and (2), no new plan is required to establish
35 eligibility.

